

Appl. No. 09/918,398
Response dated October 22, 2003
Reply to Office action of July 9, 2003

REMARKS/ARGUMENTS

The Examiner has called for an oath or declaration of the inventors in compliance with 37 C.F.R. 1.67(a). We are enclosing the appropriate inventors' declaration. It had been intended that the inventors declaration would be filed upon receipt of a notice to file missing parts for this application. However, no such notice was received.

The Examiner has rejected claims 1-3, 5, 6/1-6/3, 6/5, 7/1-7/3, 7/5, 8/1-8/3, 8/5, 9/1-9/3, 9/5, 13/1-13/3, 13/5, 14/1-14/3, 14/5, 15/1-15/3, 15/5, 16/1, 16/2, 16/3, 16/5, 17/1-17/3, 17/5, 19-21 and 23 under 35 U.S.C. 102(e) as being anticipated by Cotteverte et al. (US2002/0048422 A1). Claims 4, 6/4, 7/4, 8/4, 9/4, 11/1-11/5, 12/1-12/5, 13/4, 14/4, 15/4, 16/4, 17/4 and 22 were rejected by the Examiner under 35 U.S.C. 103(a) as being unpatentable over Cotteverte et al. (US2002/0048422 A1). Claims 10/1-10/5 were rejected by the Examiner under 35 U.S.C. 103(a) as being unpatentable over Cotteverte et al. (US2002/0048422 A1) in view of Scherer (US 2002/0167984 A1). Claims 18/1-18/5 were rejected by the Examiner under 35 U.S.C. 103(a) as being unpatentable over Cotteverte et al. (US 2002/0048422 A1) in view of Sobiski et al. (US6,498,886 B1).

In response, we respectfully submit that the Examiner's reliance on Cotteverte et al. is not proper. In particular, United States Application No. 2002/0048422 A1 (Cotteverte et al.) was filed on August 15, 2001, claiming priority from a provisional application filed on August 15, 2000. The present application was filed on July 31, 2001 claiming priority from a provisional application filed on July 31, 2000. Therefore the effective filing date of the present application precedes that of the cited application by Cotteverte et al.

It has come to our attention that the filing receipt fails to note the claim for priority from the provisional application filed on July 31, 2000. However, such a claim

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was in fact made when this application was filed. We are enclosing a copy of the initial information data sheet as filed showing that a claim for priority from the provisional application was made.

Accordingly, we respectfully submit that the Examiner's rejections of the claims are not proper because the effective filing date of the present application precedes that of the principal cited reference.

We have also recently noted that the filing receipt contains a second error, in the spelling of the surname of the first inventor. This should be corrected from "Malsuura" to --Matsuura--. We would appreciate the Examiner's arranging to have an amended filing receipt generated incorporating corrections to this spelling error and the domestic priority claim.

We respectfully submit that the application is in condition for allowance. We look for to receiving your further communication.

Respectfully submitted,

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